

REMARKS

Upon entry of this amendment, Claims 1-17 will be pending in the present application. Claims 18-31 have been withdrawn-currently amended. Amended claims 1, 3, 7, 8, 12, and 14-31 correct minor editorial errors, provide for more customary claim language and/or provide consistency in defining the present invention that the Applicants deem as theirs. No new matter has been added. Applicants make these amendments without prejudice and reserve the right to pursue later any deleted subject matter.

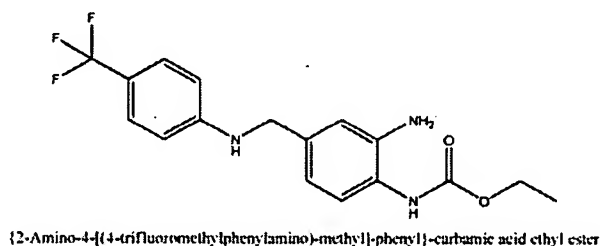
The Office has required restriction among two (2) groups of inventions because allegedly the groups of inventions are not so linked as to form a single inventive concept under PCT Rule 13.1. The alleged two (2) groups of inventions are:

Group I, claims 1-17, drawn to compounds and compositions of Formula I; and

Group II, claims 18-31, drawn to methods of use of compounds of Formula I

See pages 2 of the Office Action. The Office further requires an election of species. See pages 2-3 of the Office Action.

Although Applicants have elect Group I, claims 1-17, and the fifth (5th) species compound of claim 16 – namely:



(i.e., Example 1e of the specification), Applicants nevertheless traverse the requirement for restriction.

Claims in different categories and species of compounds have unity if there is a special technical feature common to all the claims or species of compounds. However, if the special technical feature is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims or species of compounds. As will be appreciated, even if

the Office considers the Groups of claims and species of compounds as lacking unity of invention, the Office has failed to meet its burden of establishing that the claims and species of compounds of the present invention lack a common special technical feature.

The Office alleges that Litvinenko et al. anticipates the base formula of the present invention and thus, the claims of Groups I and II, and species of compounds of claim 16, lack unity of invention. However, Litvinenko et al. fails to teach every aspect of the base formula of the present invention and thus, does not anticipate the claims and species of compounds of the present invention. In Litvinenko et al., the nearest compound is that of formula IV. However, the compound of formula IV fails to teach every group of the base compound, such as group X, much less where X is CO or SO₂. The claims and species of compounds of the present invention, therefore, are not anticipated and the restriction and election requirement is improper. Applicants respectfully request reconsideration thereof.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to deposit account no. 503201.

Early reconsideration and allowance is respectfully requested. The Office is invited to contact the undersigned if an interview would facilitate allowance of the claims.

Respectfully submitted,

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